

1-1 By: Carona S.B. No. 289
 1-2 (In the Senate - Filed January 29, 2013; February 5, 2013,
 1-3 read first time and referred to Committee on Business and Commerce;
 1-4 February 13, 2013, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0;
 1-6 February 13, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 289 By: Carona

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the approval requirement for a rental-purchase
 1-22 agreement that includes a loss damage waiver provision.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 92.153, Business & Commerce Code, is
 1-25 amended to read as follows:

1-26 Sec. 92.153. RESTRICTIONS ON MERCHANT CONCERNING WAIVER. A
 1-27 merchant may not:

1-28 (1) sell a loss damage waiver unless:

1-29 (A) ~~[the department has approved the form of]~~ the
 1-30 contract containing the waiver complies with this chapter; and

1-31 (B) the consumer agrees to the waiver in writing;

1-32 or

1-33 (2) impose or require the purchase of a loss damage
 1-34 waiver as a mandatory charge.

1-35 SECTION 2. Subdivisions (2) and (4), Section 92.001, and
 1-36 Sections 92.158, 92.159, and 92.160, Business & Commerce Code, are
 1-37 repealed.

1-38 SECTION 3. (a) An administrative proceeding pending on the
 1-39 effective date of this Act that is related to a complaint filed
 1-40 under Section 92.160, Business & Commerce Code, as that section
 1-41 existed immediately before the effective date of this Act, is
 1-42 dismissed.

1-43 (b) An administrative penalty assessed under Chapter 92,
 1-44 Business & Commerce Code, as that chapter existed immediately
 1-45 before the effective date of this Act, and Chapter 51, Occupations
 1-46 Code, may be collected as provided by Chapter 51, Occupations Code.

1-47 (c) The Texas Department of Licensing and Regulation shall
 1-48 return a prorated portion of the fee paid by a merchant to the
 1-49 department under Section 92.159, Business & Commerce Code, as that
 1-50 section existed immediately before the effective date of this Act.

1-51 SECTION 4. This Act takes effect September 1, 2013.

1-52 * * * * *